

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2009/037586

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61B17/115

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61B A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	WO 2008/141288 A (BAROSENSE) 20 November 2008 (2008-11-20) figure 6	1-4, 7-11,14
A	US 2007/219571 A1 (BALBIERZ) 20 September 2007 (2007-09-20) cited in the application figures 36,37	1

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

A document member of the same patent family:

Date of the actual completion of the international search

22 June 2009

Date of mailing of the international search report

28/09/2009

Name and mailing address of the ISA/

European Patent Office, P.O. Box 6818 Patentstein 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax (+31-70) 340-3018

Authorized officer

Barton, Simon

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Box No. II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 25
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This international Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-23, 26-28

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCTASA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-23,26-28

stapler defined in terms of movement of elements of the drive assembly
—

2. claims: 24,38

tissue capture device in particular with a membrane and expanding member
—

3. claim: 29

hydraulic stapler or capture device, with rotational lock
—

4. claims: 30-32

Stapler with arm spreader
—

5. claims: 33-35

cutting device with yielding cutting surface
—

6. claims: 36,37

stapler with alignment pin
—

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2009/037586

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 2008141288	A	20-11-2008	US	2008294179 A1	27-11-2008
US 2007219571	A1	20-09-2007	AU	2007294801 A1	20-03-2008
			CA	2666594 A1	20-03-2008
			EP	2066243 A1	10-06-2009
			WO	2008033409 A1	20-03-2008